

REMARKS

Applicant's undersigned attorney (Anthony G. Fussner, USPTO Registration No. 47,582) thanks the Examiner Khai Minh Nguyen for the courtesy extended during the telephone call on December 29, 2009 during which the filing of these claim amendments were discussed to place this application in condition for allowance. For the Examiner's convenience, Applicant has attached to this Amendment the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address and 3.73(b) Statement by which Harness, Dickey & Pierce, P.L.C. was provided power of attorney for this application.

By way of background, this Amendment is being filed after Decision on Appeal (decided December 9, 2009) in which the Examiner's decision rejecting claims 3-10 and 12-14. The Examiner also objected to Claim 11 as being allowable if rewritten in independent form. Accordingly, Applicant has amended independent claim 10 to include features of allowable/now cancelled dependent claim 11 (which depended directly from claim 10). Thus amended independent claim 10 (which now recites the allowable subject matter of claim 11) and claims 12 and 13 depending from claim 10 should be allowable.

All remaining rejected claims 3-9 and 14 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Accordingly, the only pending claims are allowable claims 11, 12, and 13.

The claim amendments herein have rendered moot all of the Examiner's objections and rejections. Accordingly, Applicant respectfully requests the Examiner to issue a notice of full allowance for the application.

CONCLUSION

It is believed that the claim amendments above place this application in condition for full allowance. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Applicant believes that no fees are due in connection with this filing. If, however, Applicant owes any additional fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 08-0750. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 08-0750. In addition, Applicant hereby requests the United States Patent & Trademark Office treat any concurrent or future reply requiring a petition for extension of time pursuant to §1.136 for its timely submission as incorporating therein a petition for an extension of time for the appropriate length of time and authorizes the Commissioner to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. **08-0750**.

Respectfully submitted,

Dated: December 29, 2009

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